

MEMORANDUM TO CLERK  
FOR INSTITUTING CIVIL ACTION

FILED

2018 FEB 28 P 1:51

CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

To the Clerk of the Circuit  
Court of Kanawha County, West Virginia

Civil Action No. 18-C-1517

MOUNTAIN STATE COMPANY,

Plaintiff,

VS.

Days to Answer Type of Service

SOUTHERN COAL CORPORATION  
302 SOUTH JEFFERSON STREET                   30                   SOS  
ROANOKE, VIRGINIA 24011,

Defendant.

Please issue summons in the above styled action as indicated. Original and \_\_\_\_\_ copies of complaint furnished herewith.

CLINTON W. SMITH, ESQUIRE  
MEZZANINE SUITE 4  
405 CAPITOL STREET  
CHARLESTON WV 25301

PLAINTIFF: MOUNTAIN STATE COMPANY

CASE NUMBER: \_\_\_\_\_

DEFENDANTS: SOUTHERN COAL CORPORATION

II. TYPE OF CASE:

TORTS	OTHER	CIVIL
Asbestos	Adoption	Appeal from Circuit Court
Professional	Contract	Petition for Modification of
Malpractice		Circuit Sentence
Personal Injury	Real Property	Miscellaneous Civil
Product Liability	Mental Health	X Other
Other Tort	Appeal of Administrative Agency	

III. JURY DEMAND: Yes

CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): 2 / 19

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRES  
SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? No

Attorney Name: Clinton W. Smith  
Firm: Law Office of Clinton W. Smith  
Address: Mezzanine Suite 4, 405 Capitol Street  
Charleston, West Virginia 25301  
Telephone: 304-343-4498

Representing: Plaintiff

Dated: 2/28/18



Signature

IN THE CIRTCUIT COURT OF KANAWHA COUNTY WEST VIRGINIA  
MOUNTAIN STATE COMPANY,

FILED  
AS

Plaintiff,

2018 FEB 28 P 1:51

v.

CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT  
Civil Action No. 18 CCPM

SOUTHERN COAL CORPORATION,

Defendant.

COMPLAINT

Comes now the Plaintiff, Mountain State Company, by counsel, Clinton W. Smith, and for its complaint states as follows:

I.

The Plaintiff, Mountain State Company, is a business with its principal address being at 2318 East Dupont Avenue, Belle, West Virginia 25015.

II.

The Defendant, Southern Coal Corporation, is a business with its principal address being at 302 South Jefferson Street, Roanoke, Virginia 24011.

III.

The Plaintiff, Mountain State Company, provided goods, funds or services to the Defendant, Southern Coal Corporation, in the amount of \$178,535.83.

IV.

To date the Defendant, Southern Coal Corporation, has not repaid the goods, funds or services provided, despite agreeing to do so.

WHEREFORE, the Plaintiff prays that the Plaintiff be awarded a judgment against the Defendant, in the amount of \$178,535.83, pre-judgment and post-judgment interest, late charges, attorney's fees, collection fees, costs incurred in the prosecution of this case and for such other relief as this Court deems just.

The Plaintiff demands a trial by jury.

MOUNTAIN STATE COMPANY,  
By Counsel

  
Clinton W. Smith  
CLINTON W. SMITH, ESQUIRE

WV Bar #3458  
Mezzanine Suite 4  
405 Capitol Street  
Charleston, WV 25301  
304-343-4498  
COUNSEL FOR THE PLAINTIFF